



Rep. Lisa M. Dugan

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09500HB4471ham002

LRB095 18636 DRJ 46703 a

1 AMENDMENT TO HOUSE BILL 4471

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4471 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Missing Children Records Act is amended by  
5 changing Section 5 as follows:

6 (325 ILCS 50/5) (from Ch. 23, par. 2285)

7 Sec. 5. Duties of school or other entity.

8 (a) Upon notification by the Department of a person's  
9 disappearance, a school, preschool educational program, child  
10 care facility, or day care home or group day care home in which  
11 the person is currently or was previously enrolled shall flag  
12 the record of that person in such a manner that whenever a copy  
13 of or information regarding the record is requested, the school  
14 or other entity shall be alerted to the fact that the record is  
15 that of a missing person. The school or other entity shall

1 immediately report to the Department any request concerning  
2 flagged records or knowledge as to the whereabouts of any  
3 missing person. Upon notification by the Department that the  
4 missing person has been recovered, the school or other entity  
5 shall remove the flag from the person's record.

6 (b) (1) For every child enrolled ~~Upon enrollment of a child~~  
7 ~~for the first time~~ in a particular elementary or secondary  
8 school, public or private preschool educational program,  
9 public or private child care facility licensed under the Child  
10 Care Act of 1969, or day care home or group day care home  
11 licensed under the Child Care Act of 1969, that school or other  
12 entity shall notify in writing the person enrolling the child  
13 that within 30 days he must provide either (i) a copy of a  
14 certified copy of the child's birth certificate or (ii) other  
15 reliable proof, as determined by the Department, of the child's  
16 identity and age and an affidavit explaining the inability to  
17 produce a copy of the birth certificate. Other reliable proof  
18 of the child's identity and age shall include a passport, visa  
19 or other governmental documentation of the child's identity.  
20 Once a school or other entity has obtained a copy of a  
21 certified copy of a child's birth certificate as required under  
22 item (i) of this subdivision (b) (1), the school or other entity  
23 need not request or obtain another such copy with respect to  
24 that child for any other year in which the child is enrolled in  
25 that school or other entity.

26 (2) Upon the failure of a person enrolling a child to

1 comply with subsection (b) (1), the school or other entity  
2 shall immediately notify the Department or local law  
3 enforcement agency of such failure, and shall notify the person  
4 enrolling the child in writing that he has 10 additional days  
5 to comply.

6 (3) The school or other entity shall immediately report to  
7 the Department any affidavit received pursuant to this  
8 subsection which appears inaccurate or suspicious in form or  
9 content.

10 (c) Within 14 days after enrolling a transfer student, the  
11 elementary or secondary school shall request directly from the  
12 student's previous school a certified copy of his record. The  
13 requesting school shall exercise due diligence in obtaining the  
14 copy of the record requested. Any elementary or secondary  
15 school requested to forward a copy of a transferring student's  
16 record to the new school shall comply within 10 days of receipt  
17 of the request unless the record has been flagged pursuant to  
18 subsection (a), in which case the copy shall not be forwarded  
19 and the requested school shall notify the Department or local  
20 law enforcement authority of the request.

21 (d) Notwithstanding any other rulemaking authority that  
22 may exist, neither the Governor nor any agency or agency head  
23 under the jurisdiction of the Governor has any authority to  
24 make or promulgate rules to implement or enforce the provisions  
25 of this amendatory Act of the 95th General Assembly. If,  
26 however, the Governor believes that rules are necessary to

1 implement or enforce the provisions of this amendatory Act of  
2 the 95th General Assembly, the Governor may suggest rules to  
3 the General Assembly by filing them with the Clerk of the House  
4 and Secretary of the Senate and by requesting that the General  
5 Assembly authorize such rulemaking by law, enact those  
6 suggested rules into law, or take any other appropriate action  
7 in the General Assembly's discretion. Nothing contained in this  
8 amendatory Act of the 95th General Assembly shall be  
9 interpreted to grant rulemaking authority under any other  
10 Illinois statute where such authority is not otherwise  
11 explicitly given. For the purposes of this amendatory Act of  
12 the 95th General Assembly, "rules" is given the meaning  
13 contained in Section 1-70 of the Illinois Administrative  
14 Procedure Act, and "agency" and "agency head" are given the  
15 meanings contained in Sections 1-20 and 1-25 of the Illinois  
16 Administrative Procedure Act to the extent that such  
17 definitions apply to agencies or agency heads under the  
18 jurisdiction of the Governor.

19 (Source: P.A. 95-439, eff. 1-1-08.)

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law."